

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

DAVID A SCHAER

Claimant

APPEAL NO: 13A-UI-00550-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

MASTERSON PERSONNEL INC

Employer

OC: 09/09/12

Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.25(4) – Absent Without Notice
871 IAC 24.25(28) – Reprimand

STATEMENT OF THE CASE:

The claimant appealed a department decision dated January 10, 2013, reference 03, that held he voluntarily quit without good cause attributable to his employer on November 29, 2012, and benefits are denied. A telephone hearing was held on February 14, 2013. The claimant did not participate. Jim Robertson, UI Operations Manager and Pat Walker, Recruiter, participated for the employer.

ISSUE:

Whether the claimant voluntarily quit without good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witnesses, and having considered the evidence in the record, finds: The claimant worked for the employer on a full-time (temporary) labor assignment at AERON MFG from October 29, 2012 to November 26. The claimant knew it was employer policy to call-in or come-in to check on available work each day as stated in the employee handbook.

Claimant was a no-call/no-show to work on November 27, 28 and 29. This conduct is considered a voluntary quit based on job abandonment pursuant to the employer handbook policy that claimant received. When claimant contacted an employer representative on December 7 about work, the employer considered giving him a last change agreement but claimant refused.

Claimant failed to respond to the hearing notice with a number to be called for the hearing.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

871 IAC 24.25(4) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(4) The claimant was absent for three days without giving notice to employer in violation of company rule.

The administrative law judge concludes the claimant voluntarily quit without good cause attributable to his employer due to job abandonment on November 29, 2012.

The claimant failed to report for work at AERON and contact it or the employer about his absences on three consecutive days that is job abandonment and a voluntary quit of employment.

DECISION:

The department decision dated January 10, 2013, reference 03, is affirmed. The claimant voluntarily quit without good cause due to job abandonment on November 29, 2012. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs